

S/N 09/852,263

Response to Office Action Dated 02/10/2006

**REMARKS**

A review of the claims indicates that:

(A) Claims 2—6, 9—11, 13, 15 and 18—22 are Original.

(B) Claims 14 and 16 were Previously Presented.

(C) Claims 1, 8, 12 and 17 are Currently Amended.

(D) Claim 7 is Cancelled.

In view of the following remarks, the Applicant respectfully requests reconsideration of the rejected claims.

**Traversal of the Rejections**

Claims 1—3 and 9—20 were rejected under §102 as being anticipated by U.S. Patent No. 6,222,949, hereinafter “Nakata.”

Additionally, Claims 4—8 and 21—22 were rejected under §103 as being unpatentable over Nakata in view of U.S. Patent No. 6,587,221, hereinafter “Young”.

In response, the Applicant respectfully traverses the rejections.

**Claim 1** recites method for selecting a printed image size comprising steps of:

- receiving an image;
- **determining an orientation of said received image;**
- calculating a range of image sizes for printing said image based on a plurality of factors; and
- selecting at least one of said image sizes in said range for printing said image, **wherein the selected image is printed in said orientation of said received image.**

S/N 09/852,263

Response to Office Action Dated 02/10/2006

1 Claim 1 has been amended to recite elements previously seen in Claim 7,  
2 which has been cancelled. Accordingly, the Applicant will address the rejection of  
3 Claim 7, as it is now applied to Claim 1.

4 The Nakata reference fails to disclose image orientation generally. A  
5 review of the Nakata reference fails to disclose any reference to "orientation" or  
6 related terms, such as "landscape" and "portrait." Because Nakata fails to disclose  
7 image orientation, Nakata fails to disclose, "determining an orientation of said  
8 received image". Additionally, Nakata fails to disclose printing a selected image  
9 in the orientation of the received image. Accordingly, Nakata fails to disclose the  
10 elements recited by Claim 1, as amended.

11 The Patent Office suggests that Nakata discloses aspects of image  
12 orientation at column 1, line 66 to column 2, line 27. The Applicant respectfully  
13 disagrees. The Applicant respectfully argues that nothing in column 2, or  
14 anywhere in Nakata, discloses any aspect of the concept of image orientation.  
15 Moreover, the Young reference fails to remedy the failings of Nakata.  
16 Accordingly, the Applicant respectfully request that the rejection of Claim 1, as  
17 amended to include elements originally recited in Claim 7, be removed.

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19 **Claim 2** recites the method of claim 1, further comprising:

- 20 • receiving a user-preferred image size;
- 21 • **determining whether said user-preferred image size is within  
22 said range.**

23 **Claims 13 and 19** are similar.

24 The Applicant respectfully argues that a review of Nakata reveals that  
25 "receiving a user-preferred image size" is not disclosed. Nakata discloses user

S/N 09/852,263

Response to Office Action Dated 02/10/2006

1 desired magnification (column 2, lines 26—27). However, “magnification” is a  
2 factor or scale by which an image is inflated/deflated. Magnification is not an  
3 actual image size.

4 Moreover, Nakata does not disclose determining whether the user-preferred  
5 image size is within a range. For example, Nakata does not reveal what happens if  
6 the user-preferred size is within the range; and, Nakata does not reveal what  
7 happens if the user-preferred size is not within the range. Nakata simply does not  
8 disclose any determination of a user-preferred image size, and whether that size is  
9 within any range.

10 The Patent Office suggests that Nakata discloses aspects of image  
11 orientation at column 1, line 66 to column 2, line 27. The Applicant respectfully  
12 disagrees. The Applicant respectfully argues that nothing in column 2, or  
13 anywhere in Nakata, discloses any aspect of the concept of determining whether a  
14 preferred image size is within a range. At column 2, lines 6—7, Nakata discusses  
15 calculation of a range of image sizes. However, Nakata fails to address the  
16 making of a determination of whether a user-selected size is within the range. In  
17 fact, Nakata appears to disclose that the user-preferred size is always within the  
18 range.

19 Accordingly, the Applicant respectfully requests that the rejection of  
20 Claims 2, 13 and 19 be removed, and that these claims be allowed to issue.

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S/N 09/852,263

Response to Office Action Dated 02/10/2006

1 **Claim 3** recites method of claim 2, wherein said step of selecting further  
2 comprises steps of:

- 3 • selecting said user-preferred image size for printing said image in  
4 response to said user-preferred image size being within said range;  
5 and
- 6 • selecting said at least one of said image sizes in said range for  
7 printing said image in response to said user-preferred image size  
8 falling outside of said range.

9 **Claims 14 and 20** are similar.

10 The Applicant respectfully argues that Nakata fails to disclose the two  
11 recited aspects, which are alternatives based on the question of the user-preferred  
12 image size falling inside or outside of the range.

13 The Patent Office suggests that Nakata discloses aspects of image  
14 orientation at column 1, line 66 to column 2, line 27. The Applicant respectfully  
15 disagrees. The Applicant respectfully argues that nothing in column 2, or  
16 anywhere in Nakata, discloses any aspect of the concept of two alternate  
17 “selecting” steps, as recited by Claim 3, which provide alternatives based on the  
18 issue of the user-preferred image size falling inside or outside of the range.

19 Accordingly, the Applicant respectfully requests that the rejection of  
20 Claims 3, 14 and 20 be removed, and that these claims be allowed to issue.

21 **Claim 9** recites method of claim 1, wherein:

- 22 • said plurality of factors includes one or more of resolution, aspect  
23 ratio, number of pixels per inch of a printed image, and image  
24 orientation.

25 **Claim 15** is similar.

The Applicant respectfully argues that Nakata fails to disclose resolution,  
aspect ratio, number of pixels per inch of a printed image, and image orientation.

S/N 09/852,263

Response to Office Action Dated 02/10/2006

1       The Patent Office suggests that Nakata discloses aspects of resolution,  
2 aspect ratio, number of pixels per inch of a printed image, and image orientation at  
3 column 1, line 66 to column 2, line 27. The Applicant respectfully disagrees. The  
4 Applicant respectfully argues that nothing in column 2, or anywhere in Nakata,  
5 discloses any aspect of the concept of resolution, aspect ratio, number of pixels per  
6 inch of a printed image, and image orientation, as recited by Claim 9.

7       Accordingly, the Applicant respectfully requests that the rejection of  
8 Claims 9 and 15 be removed, and that these claims be allowed to issue.

9       Claims 10, 11 and 16 depend from Claim 1 or Claim 12, and are allowable  
10 due to their dependence from an allowable base claim. These claims are also  
11 allowable for their own recited features that, in combination with those recited in  
12 Claim 1, are neither disclosed nor suggested in references of record, either singly  
13 or in combination with one another.

14  
15       **Claim 12** recites a method for printing an image comprising:

- 16       • receiving an image;
- 17       • calculating a range of image sizes for printing said image based on a  
18       plurality of factors, wherein an image printed in each of said sizes in  
19       said range has a **number of pixels** that is greater than a  
20       **predetermined minimum number of pixels** and less than a  
21       **predetermined maximum number of pixels**; and
- 22       • printing said image in a size in said range.

23       Claim 12 has been amended to recite subject matter previously seen in  
24 Claim 6. Accordingly, the Applicant will address the rejection of Claim 6. The  
25 Applicant maintains that nothing in Nakata discloses a number of pixels generally,  
or predetermined minimum or maximum numbers of pixels.

S/N 09/852,263

Response to Office Action Dated 02/10/2006

1       The Patent Office suggests that Nakata discloses aspects of a number of  
2 pixels and predetermined upper and lower bounds on that number of pixels at  
3 column 1, line 66 to column 2, line 27. The Applicant respectfully disagrees. The  
4 Applicant respectfully argues that nothing in column 2, or anywhere in Nakata,  
5 discloses any aspect of the concept of "a number of pixels" generally, and more  
6 specifically that that number could be greater than "a predetermined minimum  
7 number of pixels" and less than "a predetermined maximum number of pixels".

8       Accordingly, the Applicant respectfully requests that the rejection of Claim  
9 12 be removed, and that this claim be allowed to issue.

10  
11       Claim 17 recites a system operable to select an image size for printing an  
12 image, said system comprising:

- 13       • at least one interface operable to receive said image;
- 14       • a processor operable to calculate a range of sizes for printing said  
15 image based on a plurality of factors, wherein said plurality of  
16 factors includes resolution and aspect ratio;
- 17       • wherein said processor is additionally operable for,
  - 18       • receiving a user-preferred image size;
  - 19       • determining whether said user-preferred image size is within said  
20 range;
  - 21       • selecting said user-preferred image size for printing said image in  
22 response to said user-preferred image size being within said  
23 range; and
  - 24       • selecting said at least one of said image sizes in said range for  
25 printing said image in response to said user-preferred image size  
falling outside of said range; and
- a printer operable to print said image in a size in said range;

      Claim 17 has been amended to recite subject matter previously seen in  
      Claims 2, 3 and 9. Claims 2, 3, 9 and 17 were rejected under Section 102 as being

S/N 09/852,263

Response to Office Action Dated 02/10/2006

1 anticipated by Nakata. Accordingly, the Applicant incorporates the arguments  
2 seen above with respect to Claims 2, 3, 9 and others by reference. In particular,  
3 the Applicant respectfully argues that the passage in Nakata from column 1, line  
4 66 to column 2, line 27 does not disclose the elements recited.

5 Accordingly, the Applicant respectfully requests that the rejection of Claim  
6 12 be removed, and that this claim be allowed to issue.

7  
8 Claim 4 depends from Claim 1 and is allowable due to its dependence from  
9 an allowable base claim, as well as for reasons associated with the elements  
10 recited. Accordingly, the Applicant respectfully requests that Claim 4 be allowed  
11 to issue.

12  
13 Claim 5 recites the method of claim 4, wherein said step of calculating  
further comprises steps of:

- 14 • determining a resolution of said received image;
- 15 • determining a resolution of a printer printing said image;
- 16 • correlating said resolution of said received image and said printer;  
and
- 17 • calculating said sizes in said range, whereby an image printed in  
each of said sizes in said range has a resolution associated with said  
18 correlated resolution.

19 Claim 5 depends from Claim 1 and is allowable due to its dependence from  
20 an allowable base claim. Additionally, claim 5 recites detail of the resolution of  
21 images. Nakata fails to disclose the recited aspects of image resolution.

22 The Patent Office suggests that Nakata discloses the recited aspects of  
23 image resolution at column 1 line 66 to column 2 line 27. The Applicant  
24 respectfully disagrees. Nothing in the cited passage discusses the resolution of an  
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S/N 09/852,263

Response to Office Action Dated 02/10/2006

1 image. Aspects of image size and magnification are discussed; however,  
2 resolution is not discussed. More particularly, the element recited by Claim 5 are  
3 not disclosed.

4 Because the elements of claim 5 are not disclosed by Nakata, the Applicant  
5 respectfully requests that the rejection of claim 5 be removed, and that this claim  
6 be allowed to issue.

7  
8 Claim 6 recites the method of claim 5, wherein said step of calculating  
9 further comprises a step of calculating said sizes in said range, whereby an image  
10 printed in each of said sizes in said range has a number of pixels that is greater  
11 than a predetermined minimum number of pixels and less than a  
12 predetermined maximum number of pixels.

13 Claim 6 depends indirectly from Claim 1 and is allowable due to its  
14 dependence from an allowable base claim. Additionally, claim 6 recites "a  
15 number of pixels that is greater than a predetermined minimum number of pixels  
16 and less than a predetermined maximum number of pixels." This subject matter is  
17 not disclosed by Nakata.

18 The Patent Office suggests that Nakata discloses the recited aspects of  
19 image resolution at column 1 line 66 to column 2 line 27. The Applicant  
20 respectfully disagrees. Nothing in the cited passage discusses numbers or pixels,  
21 or minimum or maximum numbers of pixels.

22 Because the elements of claim 6 are not disclosed by Nakata, the Applicant  
23 respectfully requests that the rejection of claim 6 be removed, and that this claim  
24 be allowed to issue.  
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S/N 09/852,263

Response to Office Action Dated 02/10/2006

1       **Claim 8** recites the method of claim 1, wherein said orientation includes  
2 one of landscape and portrait.

3       Claim 8 depends from Claim 1 and is allowable due to its dependence from  
4 an allowable base claim. Additionally, claim 8 recites detail of the orientation,  
5 including landscape and portrait.

6       The Patent Office suggests that Nakata discloses the recited aspects of  
7 landscape and portrait at column 1 line 66 to column 2 line 27. The Applicant  
8 respectfully disagrees. Nothing in the cited passage discusses this subject matter.

9       Because the elements of claim 8 are not disclosed by Nakata, the Applicant  
10 respectfully requests that the rejection of claim 8 be removed, and that this claim  
11 be allowed to issue.

12  
13       **Claims 21 and 22** depend indirectly from Claim 17 and are allowable due  
14 to their dependence from an allowable base claim. These claims are also  
15 allowable for their own recited features that, in combination with those recited in  
16 the claims from which they depend, are neither disclosed nor suggested in  
17 references of record, either singly or in combination with one another.

S/N 09/852,263

Response to Office Action Dated 02/10/2006

**Conclusion**

The Applicant submits that all of the claims are in condition for allowance and respectfully requests that a Notice of Allowability be issued. If the Office's next anticipated action is not the issuance of a Notice of Allowability, the Applicant respectfully requests that the undersigned attorney be contacted for the purpose of scheduling an interview.

Respectfully Submitted,

Dated: 5-10-2006By: 

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